

LAW OFFICES
LERCH, EARLY & BREWER, CHARTERED

Mark J. Langer, Clerk
June 5, 2000
Page 2

Mr. Mercer is pleased that to a significant extent his recollection as to material events was corroborated by documents and the recollections of other witnesses as described in the Report, even though there are several statements contained in the Report with which Mr. Mercer disagrees. These statements involve differences in recollection between Mr. Mercer and other witnesses. Such differences are not surprising, given the amount of time that has passed since the matters in question occurred and the different roles the various witnesses played in those events. Mr. Mercer is not interested in challenging the honest recollections of his colleagues, even to the extent that those recollections differ from his own.

At all times during his tenure at the DNC (from 1993 through 1999), Mr. Mercer sought in good faith to comply fully with the legal and ethical constraints on fundraising imposed by the law and by the DNC Legal Guidelines for Fundraising. He is satisfied that his colleagues acted in like fashion. Mr. Mercer did not have primary responsibility with respect to Native American fundraising undertaken by the DNC. Rather, in his role as Deputy Finance Director, he sought to assist others at the DNC in fulfilling the mission of the Finance Department to be responsive to staff and constituents with respect to the concerns of all minority communities as those concerns were brought to his attention, and to facilitate communication between representatives of each such community and the DNC.

Like other communities, the Native American community has diverse and sometimes conflicting political and financial interests. In the spring of 1995, Mr. Mercer was made aware of the controversy surrounding the application of certain Wisconsin tribes to the Department of the Interior to take land in Hudson, Wisconsin into trust for the purpose of converting an existing dog track into a casino. The application was opposed by certain Minnesota tribes, who felt that the proposed facility would unfairly compete with an existing facility that they operated.

As reflected in the Report, Mr. Mercer acted at the request of representatives of the Minnesota tribes, including former DNC Treasurer Patrick O'Connor, to bring their concerns to the attention of Donald Fowler, Chairman of the Finance Department of the DNC, and to insure that Chairman Fowler was informed of the legitimate concerns of those tribes and their interest in engaging the political process to address those concerns. This was an appropriate, ethical and lawful exercise of Mr. Mercer's responsibilities. At no time did he seek on behalf of the DNC any contributions or quid pro quo in exchange for fulfillment of those responsibilities; nor is he aware of any other staff member or officer of the DNC having taken such actions.

To the extent that the Report suggests that Mr. Mercer sought or felt he was entitled to recognition for the solicitation of contributions to the DNC from the Native American community, it is mistaken. Others at the DNC had primary responsibility for fundraising in the Native American community, and Mr. Mercer respected and supported their efforts unselfishly. His communications with other DNC staff members involved in Native American fundraising were intended solely to facilitate such fundraising and to minimize duplication of efforts.